


ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO 98-503
SIERRA PACIFIC INDUSTRIES, QUINCY DIVISION
PLUMAS COUNTY

WAIVER

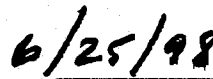
By signing this waiver, Sierra Pacific Industries, Quincy Division, agrees to waive its right to a hearing before the Regional Board and to remit fifteen thousand dollars (\$15,000) to a local non-profit watershed group acceptable to both Sierra Pacific Industries and the Regional Water Quality Control Board within 60 days from the date of Agreement.



Signature



Title



Date

GDD:tch

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ACL COMPLAINT NO. 98-503

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT
IN THE MATTER OF
SIERRA PACIFIC INDUSTRIES
QUINCY DIVISION, PLUMAS COUNTY

This complaint is issued to Sierra Pacific Industries, Quincy Division based on a finding of violations of Order No. 96-280 (NPDES Permit No. CA0080357), pursuant to the provisions of Section 13385 of the California Water Code, which authorizes the imposition of Administrative Civil Liability.

The Executive Officer finds, with respect to Sierra Pacific Industries's act, or failure to act, the following:

1. Sierra Pacific Industries, (hereafter Discharger) owns and operates a sawmill/cogeneration plant in the community of Quincy in Section 18, T24N, R10E, MDB&M.
2. Operations at the sawmill/cogeneration facility which generate waste that may impact water quality includes the storage of saw logs, wood fuels, petroleum fuel, and water treatment chemicals. A log deck sprinkling system which operates as a closed loop system during the dry season is utilized by the Discharger. Wastes streams from the facility include cooling tower blowdown, boiler blowdown, ash, wood waste, and storm water runoff from the log yard. Cooling tower and boiler blowdown are discharged to a 33-acre retention basin and utilized for log sprinkling.
3. Excess storm water during the sprinkling season is retained in a series of recycle ponds or pumped to the 33-acre retention basin. The recycle system consist of a diversion pond (which collects all log yard water and large debris), a recycle pond (pond #1), a flushing pond (pond #4) and two settling ponds (ponds #2 & #3). During the winter, log sprinkling is stopped and storm water runoff from the log decks, lumber storage area, dry kilns, planer, machine shop, and petroleum fuel storage area is routed through the diversion pond, the recycle pond and into the flushing pond and pumped to the retention basin. When the 33-acre retention basin reaches capacity, subsequent storm water runoff from the mill site is routed from the diversion pond through the two settling ponds and discharged through a gravel diffuser to Mill Creek (Discharge 001).
4. On 6 December 1996, the Regional Water Quality Control Board (Board) adopted Order No. 96-280 (NPDES Permit, No. CA0080357) prescribing waste discharge requirements for the Sierra Pacific Industries, Quincy Division sawmill operation

5. Order No. 96-280 states, in part:

“A. Discharge Prohibitions

1. The discharge of treated wastewater at a location or manner different from that described in Finding No. 4 is prohibited.
4. The discharge of ash, bark, sawdust, wood or any other waste recognized as originating from sawmill/cogeneration operations to surface waters or surface water drainage courses is prohibited.
5. The discharge of hazardous or toxic substances, including water treatment chemicals, solvents, and petroleum fuel, is prohibited

B. Effluent Limitations (Discharge 001)

1. The discharge of wastewater to Mill Creek in excess of the following is prohibited:

<u>Parameter</u>	<u>Unit</u>	<u>30-Day Average</u>	<u>Daily Maximum</u>
Settleable Matter	ml/l	0.1	0.2

2. The discharge shall not have a pH less than 6.0 or greater than 9.0.
3. Survival of test fish in 96-hour bioassay of undiluted waste shall be no less than:
Minimum for any one bioassay ----- 70%
Median for any three or more consecutive bioassays --- 90%

C. Discharge Specifications

1. Neither the treatment nor the discharge shall cause a nuisance or pollution as defined by the California Water Code, Section 13050.

E. Receiving Water Limitations

Receiving water limitations are site-specific interpretations of water quality objectives from applicable water quality control plans. As such, they are a required part of this permit.

The discharge shall not cause the following in Mill Creek:

6. Turbidity to increase more than:
 - a. 20 percent when background turbidity is between 0 and 50 NTUs.
 - b. 10 units when background turbidity is between 50 and 100 NTUs.
 - c. 10 percent when background turbidity is greater than 100 NTUs.

G. Provisions

1. The Discharger shall comply with the attached Monitoring and Reporting Program No. 96-280, which is part of this Order, and any revision thereto as ordered by the Executive Officer.”

6. On 11 January 1998, the California Department of Fish and Game conducted a complaint investigation of the facility. Warden Bill Peters and Warden Dennis Mesa suspected the discharge from the facility was in violation of waste discharge requirements by discharging log deck water with a low pH and tannic acid concentrations at toxic levels. Samples collected by Warden Peters indicated the discharge had a pH of 5, a violation of Effluent Limitation B.2. Effluent samples collected by Warden Mesa had tannins & lignins concentration as tannic acid of 9.7 mg/l and receiving water concentrations of 7.88 mg/l.
7. On 14 January 1998, an inspection by staff revealed no discharge to Mill Creek, but the facility's ponds were at capacity and would discharge during the next storm event. The Dischargers self monitoring reports for 16 January 1998 indicated a discharge from the facility which increased down stream turbidity from 7 NTUs to 20 NTUs, an increase of 185 percent over back ground and a violation of Receiving Water Limitation E.6.a.
8. On 3 February 1998, the California Department of Fish and Game conducted an additional complaint investigation of the facility. Effluent samples contained tannins and lignins concentration as tannic acid of 20.3 mg/l. The opinion of the DFG staff water quality biologist is "... that the concentrations of tannic acid measured" in samples collected by the wardens "were high enough to be deleterious to some aquatic organisms such as cold water fish, but probably not toxic to all aquatic life." a threatened violation of Effluent Limitation B.3.
9. On 19 February 1998, staff again inspected and observed a discharge from the settling ponds that was dark gray, muddy and had an odor of decomposing wood waste. Sample results indicated an increase in down stream turbidity from 30 NTUs to 156 NTUs, a violation of Receiving Water Limitation E.6.a. In addition the discharge was in violation of Effluent Limitation B.1 and the concentrations of Chemical Oxygen Demand (COD (510 mg/l)), Total Suspended Solids (TSS (293mg/l)) and tannins & lignins (24.6 mg/l) were indicative of a direct discharge of wood waste to Mill Creek, a violation of Discharge Prohibition A.4. The discharge concentrations of TSS, COD and tannins & lignins were of levels that could cause fish toxicity a threatened violation of Effluent Limitation B.3.
10. Monitoring and Reporting Program No. 96-280 requires the Discharger to sample effluent and receiving water on the first day of each discharge. The self monitoring report for 9 January 1998 indicted the discharge of waste effluent containing high concentrations of organic compounds. The high COD (572 mg/l), TSS (516 mg/l), settleable solids (0.5 ml/l), and tannins & lignins (99 mg/l) are indication of the discharge of log deck and recycle waste water in violation of Effluent Limitation B.1. In addition the discharge caused an increase of 400% in surface water turbidity over background. Background turbidity was 100 NTUs and downstream turbidity was 500 NTUs. Self monitoring also indicated increases in stream turbidity in violation of waste discharge requirements on 16 January 1998 and on 14 February 1998.

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 98-503
SIERRA PACIFIC INDUSTRIES, QUINCY DIVISION
PLUMAS COUNTY

-4-

11. Further review of the Discharger's self monitoring reports indicated a failure to submit bi-monthly bioassay data for discharges from November 1997 through February 1998 and a failure to submit electrical conductivity data as required, in violation of Provisions G.1.
12. Section 13385 of the California Water Code states, in part:
 - "(a) Any person who violates any of the following shall be liable civilly in accordance with subdivisions (b), (c), (d), (e), and (f):
 - (1) Section 13375 or 13376.
 - (2) Any waste discharge requirements or dredged and fill material permit.
 - (5) Any requirements of Sections 301, 302, 306, 307, 308, 318, or 405 of the Federal Water Pollution Control Act as amended."
 - "(c) Civil liability may be imposed administratively by the State Board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both the following:
 - (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
 - (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallon. "
13. The discharge on 11 January 1998, and 3 February 1998, documented by the Department of Fish and Game; the discharge on 19 February 1998 documented by staff; and the discharge on 9 January 1998, 16 January 1998 and 14 February 1998 documented in the Discharger's self monitoring reports, total six days in which the facility discharged waste in violation of waste discharge requirements. The maximum Administrative Civil Liability which may be imposed by the Regional Board under Water Code Section 13385 for the violations is sixty thousand dollars (\$60,000). The total volume of contaminated log deck water discharged to Mill Creek was not measured; therefore, a penalty of ten dollars (\$10) per gallon cannot be assessed.

SIERRA PACIFIC INDUSTRIES IS HEREBY GIVEN NOTICE THAT:

1. I am proposing that an Administrative Civil Liability be imposed in the amount of twenty thousand dollars (\$20,000). In determining the amount of civil liability, I have taken into consideration the following factors: the nature, circumstance, extent, and gravity of the violation and with respect to the violator, the ability to pay; any prior history of violations, the degree of culpability, economic benefit or

savings, if any, resulting from violation; and other matters as justice may require [Water Code Section 13385(e)].

2. A hearing on this matter will be scheduled within 60 days unless the Discharger agrees to waive a hearing and pay the proposed civil liability in full.
3. If a hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed administrative liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. In lieu of a hearing, the Discharger may waive the right to a hearing. Any waiver will not be effective until **30 days from the date of this complaint** to allow other interested persons to comment on this action. If you wish to waive the hearing, please check and sign the waiver and return it, and the amount of civil liability, to the Board's office within 15 days of this Complaint.

GARY M. CARLTON, Executive Officer

9 June 1998

(Date)

GDD:tch

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 98-503
SIERRA PACIFIC INDUSTRIES, QUINCY DIVISION
PLUMAS COUNTY

-6-

WAIVER

By signing this waiver, Sierra Pacific Industries, Quincy Division, agrees to waive its right to a hearing before the Regional Board and to remit twenty thousand dollars (\$20,000) for the Civil Liability imposed.

Signature

Title

Date

GDD:tch